

PROFESSIONAL LICENSURE DIVISION[645]

Adopted and Filed

Pursuant to the authority of Iowa Code section 147.76, the Board of Mortuary Science hereby amends Chapter 100, "Practice of Funeral Directors, Funeral Establishments, and Cremation Establishments," and Chapter 101, "Licensure of Funeral Directors, Funeral Establishments, and Cremation Establishments," Iowa Administrative Code.

These amendments remove duplicative language that already exists in Iowa Code section 144C.5 that gives a more defined progression of who has the right to control the disposition of a decedent's remains. In addition, this rule making amends the requirement to send a renewal notice to funeral directors and funeral establishments to be consistent with legislative changes to Iowa Code section 147.10.

Notice of Intended Action was published in the Iowa Administrative Bulletin on October 30, 2013, as **ARC 1164C**. A public hearing was held on November 19, 2013, from 8:30 to 9 a.m. in Room 513, Lucas State Office Building, Des Moines, Iowa. No public comment was received on the proposed amendments. These amendments are identical to those published under Notice of Intended Action.

These amendments were adopted by the Board of Mortuary Science on December 12, 2013.

After analysis and review of this rule making, no impact on jobs has been found.

These amendments are intended to implement Iowa Code chapters 21, 147, 144C, 156 and 272C.

These amendments will become effective on February 12, 2014.

The following amendments are adopted.

ITEM 1. Amend subrule 100.10(3) as follows:

100.10(3) *Authorizing person and preneed cremation arrangements.* The authorized person has legal authority and may make decisions regarding the final disposition of the decedent. ~~If the decedent in the decedent's lifetime requested that the decedent's body be cremated by signing a cremation authorization, the authorized person at the time of death may revoke the cremation authorization to cancel the cremation.~~

ITEM 2. Amend subrule 101.10(1) as follows:

101.10(1) The biennial license renewal period for a license to practice as a funeral director shall begin on the sixteenth day of the licensee's birth month and end on the fifteenth day of the licensee's birth month two years later. ~~The board shall send a renewal notice by regular mail to each licensee at the address on record at least 60 days prior to expiration of the license.~~ The licensee is responsible for renewing the license prior to its expiration. Failure of the licensee to receive the notice from the board does not relieve the licensee of the responsibility for renewing the license. All licenses shall renew on a biennial basis.

ITEM 3. Amend subrule 101.13(2) as follows:

101.13(2) ~~A renewal of license application shall be mailed at least 60 days prior to the expiration of the license.~~ Failure to receive the notice from the board shall not relieve the license holder of the obligation to pay triennial renewal fees on or before the renewal date.

[Filed 12/16/13, effective 2/12/14]

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